

**ATTORNEY REGULATION ADVISORY COMMITTEE**  
**MINUTES**

Wednesday, June 29, 2011  
9:30 a.m. to 12:00 p.m.

State Courts Building, 1501 West Washington Street, Phoenix, Arizona  
Conference Room 109

<b>MEMBER ATTENDANCE</b>		
<b>PRESENT</b>	<b>TELEPHONICALLY PRESENT</b>	<b>ABSENT</b>
Justice Michael D Ryan (retired)		Maret Vessella
Hon. William J. O'Neil		
Allan Bayham		
James Drake, Jr.		
George Riemer		
J. Scott Rhodes		
Patricia Sallen		
Pamela Treadwell-Rubin		
John Tuchi		
Benny Click		
Ronald R. Watson		
Emily Johnston		

<b>OTHER ATTENDEES</b>		
<b>AOC STAFF</b>	<b>GUESTS</b>	
Kathy Curry	Amy Rehm, Presenter Representing Maret Vessella	
Emily Holliday	Ralph Adams	
Deann Barker	Nancy Greenlee	
	Mark Harrison	

## **Business Items and Potential Action Items**

<b>1</b>	<p><u>Call to Order and Introductions</u></p> <p>Call to order by Justice Michael D Ryan (retired) at 9:35a.m.</p> <p>Committee and staff members introduced themselves. Amy Rehm is present as an Ad Hoc for Maret Vessella who is absent today.</p>	Justice Michael D. Ryan (Retired), Chair
<b>2</b>	<p><u>Set Future Meeting Dates</u></p> <p>Deferred until the end of today's agenda.</p>	
<b>3</b>	<p><u>Overview Presentation on Attorney Admissions and Discipline System</u></p> <p>Emily Holliday started the Power Point presentation by pointing out highlights of the Attorney Admission process. Included in her presentation:</p> <ul style="list-style-type: none"> <li>▪ Admission by Exam and by Motion</li> <li>▪ Character &amp; Fitness processes</li> <li>▪ Exams Committee and its functions</li> <li>▪ Conditional Admission processes</li> </ul> <p>Justice Ryan presented the second part of the Power Point presentation, concentrating on the discipline rules. Included in his presentation:</p> <ul style="list-style-type: none"> <li>▪ The discipline process from intake until the final decision</li> <li>▪ Rules for the Presiding Disciplinary Judge</li> <li>▪ Functions of the Attorney Discipline Probable Cause Committee</li> </ul> <p>Judge O'Neil then presented the final portion of the Power Point presentation. His portion contained an overview of the PDJ office and its duties. These include:</p> <ul style="list-style-type: none"> <li>▪ Setting conferences</li> <li>▪ Encouraging settlements</li> <li>▪ Setting and conducting hearings in contested cases</li> <li>▪ Transmitting reinstatement cases to the court</li> </ul>	Emily Holliday  Justice Ryan  Judge O'Neil

<p>4</p>	<p><u>Schedule of Administrative Expenses in Discipline, Disability and Reinstatement Matters</u></p> <p>Amy gave an overview of the State Bar Information Paper prepared by Maret Vessella.</p> <ul style="list-style-type: none"> <li>▪ New cost structure due by the end of this year, 2011.</li> <li>▪ Various Rules were quoted as listed in the Information Paper.</li> <li>▪ History of cost structure in Arizona was presented.</li> </ul> <p>There was extensive discussion among the committee members of the costs process in Arizona and in other states. Some of the highlights include:</p> <ul style="list-style-type: none"> <li>▪ Discussion of a minimum hourly straight time cost structure based on tasks needed to complete an investigation per case.</li> <li>▪ Discussion of attorneys not paying their costs and possible ways of improving the collection rate.</li> <li>▪ Should costs be assessed based on the amount of time of the case, the outcome of the case or not assessed at all?</li> <li>▪ Increasing dues a possibility?</li> <li>▪ Subcommittee on Costs to be set up</li> <li>▪ Do we compare to the Judicial Misconduct procedure or other regulated profession procedures?</li> </ul>	<p>Amy Rehm, Deputy Chief Bar Counsel</p>
<p>5</p>	<p><u>Subcommittees Creation and Membership</u></p> <p>Three subcommittees are decided; Costs, Rules and Admissions. Volunteers for each subcommittee are as follows:</p> <p>Costs</p> <ul style="list-style-type: none"> <li>▪ Scott Rhodes</li> <li>▪ James Drake</li> <li>▪ Allan Bayham</li> <li>▪ Maret Vessella</li> <li>▪ George Riemer</li> <li>▪ Pamela Treadwell – Rubin (chair)</li> <li>▪ Emily Johnston</li> </ul> <p>Admissions</p> <ul style="list-style-type: none"> <li>▪ Scott Rhodes</li> <li>▪ John Tuchi (chair)</li> <li>▪ Benny Click</li> <li>▪ James Drake (co-chair)</li> <li>▪ Ronald Watson</li> <li>▪ Emily Johnston</li> </ul>	

	<ul style="list-style-type: none"> <li>▪ Patricia Sallen</li> </ul> <p>Rules</p> <ul style="list-style-type: none"> <li>▪ Justice Michael Ryan (retired) - (co-chair)</li> <li>▪ Judge William O’Neil (co-chair)</li> <li>▪ Scott Rhodes</li> <li>▪ John Tuchi</li> <li>▪ Maret Vessella</li> <li>▪ Pamela Treadwell – Rubin</li> <li>▪ George Riemer</li> <li>▪</li> </ul> <p>Each subcommittee must plan their own meeting dates but need to let everyone else on the committee know when they are having a meeting.</p>	
<p><b>2 -</b> <i>continued</i></p>	<p><u>Set Future Meeting Dates</u></p> <p>Deferred from the beginning of today’s agenda.</p> <p>Concerns: Cost issue must be completed by end of 2011 and the deadline for the Rules changes petition is January 2012.</p> <p>Every other month, August, October and December, is decided to be a good schedule. A list of dates will be sent to members and the schedule will be finalized in the next couple of weeks.</p>	
<p><b>6</b></p>	<p><u>Call to Public</u></p> <p>Mark Harrison – requests a copy of today’s materials. Is told they are on the website; is also given a copy by Judge O’Neil.</p> <p>Ralph Adams – Discusses costs and how it affects the respondents; asking the committee to consider these.</p>	
<p><b>7</b></p>	<p><u>Open Discussion</u></p> <p>A general open discussion among the committee members included more discussion on costs, how to collect, and does bankruptcy cancel the costs and restitutions.</p> <p>Chairs of subcommittees are decided at this point.</p> <p>Costs defined in Rule 46.</p> <p>Co-chair for Admissions subcommittee is suggested, approved and chosen via volunteer.</p>	

8	<u>Adjournment</u>  Justice Ryan adjourns the meeting at 11:28 a.m.	
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The Next Meeting of the  
Attorney Regulation Advisory Committee  
Will be:

Wednesday August 31, 2011  
9:30am - 12:00pm  
Arizona State Courts Building  
1501 W Washington Street, Suite 109  
Phoenix, AZ 85007  
602-452-3378